IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1188 of 2007

CC.217/2004 of C.J.M.,TRIVANDRUM
CRIME NO.119/2002 OF MUSEUM POLICE STATION, TRIVANDRUM

.....

PETITIONER/ACCUSED:

SATHEESH KUMAR, S/O.VIDYADARAN,
KIZHAKKEVILA PUTHENVEEDU, PAPPANAMCODE,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: COMPLAINANT:

SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1188/2007

Dated this 28th day of February, 2007

O R D E R

The petitioner who is the seventh accused in C.C.No.217/2004 on the file of the C.J.M, Thiruvananthapuram, for offences punishable under Sections 143, 147 and 324 IPC read with Section 149 IPC and also under Section 27 of the Arms Act, seeks anticipatory bail. The above case was originated from Crime No.119/2002 of Museum Police Station, Thiruvananthapuram.

2. The case of the petitioner is that he was a final year student on 23.3.2002 when the alleged occurrence took place, that he was not involved in the occurrence and that he is not even a named accused in the FIR. He further submitted that after completing his law degree, he was doing Software business at Thiruvananthapuram and he did not receive summons from C.J.M Court and while so, non bailable warrants of arrest are stated to be pending against him. Hence this application for anticipatory bail.

3. Anticipatory bail cannot be granted in a case of this nature to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioner should not surrender before the C.J.M., and seek regular bail, after convincing the Magistrate that he did not receive any summons in the case and that he was not even a named accused in the FIR and he had been arrayed as an accused only during the investigation.

4. Accordingly, if the petitioner surrenders before the C.J.M and files an application for regular bail within two weeks from today, the same shall be considered and disposed of by the learned Magistrate preferably on the same day on which it is filed, after examining the aforementioned contentions urged by the petitioner.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs